

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging consideration of documents listed on Forms PTO-1449 submitted with Information Disclosure Statements on August 25, 2008, August 29, 2006, and July 14, 2006. Applicants would also like to thank the Examiner for acknowledging acceptance of the drawings filed with the present application on April 27, 2006. Applicants would further like to thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, as well as receipt of certified copies of the documents upon which Applicants' claim for foreign priority is based.

In the outstanding Office Action, claim 34 was rejected under 35 U.S.C. §112, second paragraph. Claims 24-46 were rejected under 35 U.S.C. §102(b) over OUCHI (JP 2000181784).

Upon entry of the present amendment, claim 34 will have been amended. The herein-contained amendment to claim 34 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, Applicants have amended claim 34 to advance prosecution and obtain early allowance of claims in the present application.

Applicants traverse the rejection of claim 34 under 35 U.S.C. §112, second paragraph. In this regard, claim 34 has been amended in a manner that renders the Examiner's expressed concerns in the rejection moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Applicants traverse the rejection of claims 24-46 under 35 U.S.C. §102(b) over OUCHI. In this regard, OUCHI is itself a Japanese-language document, and Applicants' remarks herein are therefore based upon a review of the machine-generated English translation and English Abstract of OUCHI supplied by the Examiner to analyze the rejection. The cited portions of the English language translation and Abstract of OUCHI do not disclose any teaching that data is

written to an area depending on the type of data. Rather, the cited teachings of OUCHI disclose using the size of data, and particularly the number of sector regions to which data is to be written, when determining where to write data. Therefore, OUCHI does not disclose features of independent claims 24 and 41.

By way of explanation, data to be written might be considered to be of two types, namely, file system information and entity data. If the size of data is used to select an area for data writing, as in OUCHI, it would be difficult or impossible to determine the data type when writing either one sector of data of file system information or one sector of entity data. That is, it would be difficult or impossible to determine whether the data is file system information or entity data when writing one sector of file system information or one sector of entity data. In this regard, file system information may be mostly overwritten in an area at the same address, whereas entity data is mostly written in a different area at different addresses.

Writing one sector of data in these two ways according to size of data, i.e., overwriting or writing to different areas at different addresses, may be done to a first recording area with the first access unit (smaller access unit) as in claims 24 and 41, but this would cause problems. A first problem caused by writing data using size of data as in OUCHI is that a write address is frequently changed, and thus much data with many addresses is written in a recording area, so that fragmentation is likely to occur in the first recording area. A second problem is that two kinds of data having different writing patterns may be written in the same recording area, complicating data management.

In any event, using size of data as in OUCHI is entirely different from using type of data, as in claims 24 and 41. Using type of data for selecting an area for data writing, as in claims 24 and 41, allows a first recording area to be written only with file system information and not

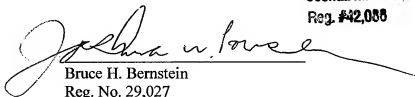
entity data, so as to resolve the aforementioned problems. OUCHI does not acknowledge the above-noted shortcomings, nor suggest remedies to address the shortcomings presented by the teachings of OUCHI. Therefore, in addition to failing to disclose the features of Applicants' independent claims 24 and 41, OUCHI also does not suggest or render obvious at least selecting an area to write data based on the data type. Indeed, OUCHI presents problems resolved by the invention to which claims 24 and 41 are directed, and does not so much as acknowledge the shortcomings which are presented by its method of selecting a write area by the size of data. Therefore, independent claims 24 and 41 are allowable under 35 U.S.C. §102 over OUCHI. Dependent claims 25-40 and 42-46 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Any amendments to the claims in this Response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Takuji MAEDA et al.

Joshua M. Povsner
Reg. #42,088


Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191